

mending that it do not pass. Read 2nd time and report adopted.

A bill concerning commissioners courts, on the report of Judiciary Committee recommending that it do not pass. Read 2nd time and report adopted.

A bill for the relief of Samuel Everett. Read 2nd time. Mr. Burnett moved to refer the bill to Committee on Public Lands. Lost. The yeas and nays were then taken on the engrossment and stood thus:

YEAS—Messrs. Boyd, Branch, Cook, Crawford of Fanin, Crawford of Jasper, Darden, Dickson, Durant, Erath, Graham, Harcourt, Hartley, Houston, Jordan, Mitchell, Moore, Reed, Scarborough, Shelley, Shepard, Weatherford, and Wheeler—22.

NAYS — Messrs. Batte, Burnett, Finlay, Guinn, Lea, and Selman—6.

On motion of Mr. Guinn the rule was suspended. Bill read 3rd time and passed. On further motion of Mr. Guinn the Senate adjourned until Monday at 10 o'clock A. M.

Monday, December 2, 1861.

Senate met pursuant to adjournment. Prayer by the Chaplain. Roll called, quorum present. The journal of Saturday was read and adopted.

Mr. Durant presented the petition of Martin Clark. Referred to Committee on Private Land Claims.

Mr. Dickson presented the petition of G. F. Lankford. Referred to Committee on Claims and Accounts.

Mr. Durant, Chairman of the Committee on Confederate Relations, reported a joint resolution in relation to the suspension of custom houses, &c., and recommended its passage.

A message was received from the House announcing the passage of the following bills:

A bill to amend an Act of limitations, approved February 5, 1841.

A bill to amend the 2nd and 3rd sections of an Act to incorporate Southern Cotton Press and Manufacturing Company, approved February 11, 1860, both of which on Mr. Hartley's motion were taken up and the first made the special order for Saturday, December —, 1861, and the latter read 1st and 2nd times and referred to Committee on State Affairs.

House bill to change the time of holding the district courts in the 8th Judicial District. Read 1st and 2nd times and referred to Judiciary Committee.

House bill relating to the determination of cases in the

Supreme Court. Read 1st and 2nd time and referred to Judiciary Committee.

Mr. Crawford, Chairman of the Committee on Engrossed Bills, reported the following correctly engrossed:

Bill for the relief of Samuel Everett, and bill to amend the 16th section of an Act regulating elections, approved 16 March, 1848.

Mr. Weatherford, Chairman of the Committee on Private Land Claims, reported a bill for the relief of the heirs of Charles Clark and recommended its passage.

A bill to suspend the collection of debts being the special order was considered. Mr. Harcourt offered the following amendment: "Section 6—that during the time named in the first section of this Act interest shall run and be computed upon all open accounts at the rate of 10 per cent per annum from the first day of January next after the making of such account provided that the party holding such account shall make affidavit in writing to the correctness of the same; and provided further, that this shall not be construed as to determine the amount due upon such account."

Mr. Parsons moved to lay the amendment on the table which was carried by the following vote:

YEAS—Messrs. Branch, Burnett, Crawford of Jasper, Darden, Dickson, Graham, Guinn, Houston, Jordan, Moore, Obenchain, Parsons, Scarborough, Shepard, and Weatherford—15.

NAYS—Messrs. Boyd, Casey, Cook, Crawford of Fanin, Durant, Finlay, Harcourt, Hartley, Lea, Mitchell, Reed, Selman, and Wheeler—13.

Mr. Selman offered the following amendment: "Section 9—the benefit intended to be secured to debtors by this Act shall not extend to any person or persons until he, she, or they shall have paid off and discharged to the holder all interest which may have accrued on any bond, bill, mortgage, promissory notes or other evidences of debt due and owing by such person or persons or which may become due and in order to allow sufficient time for the payment of the same no suit for the collection of money shall be instituted until after the 1st day of April A. D. 1862, and any person or persons wishing to secure the further benefit intended by this Act may do so by the payment annually of such interest on or before the 1st day of April in each year until six months after a declaration of peace between the United States and Confederate States of America, and provided further that any person or persons owing money by account may secure the benefit of this Act by executing his, her, or their promissory note

for the same within three months after such account may become due and payable."

On Mr. Parsons motion the amendment was laid on the table by the following vote:

YEAS—Messrs. Cook, Crawford of Fannin, Crawford of Jasper, Darden, Dickson, Durant, Finlay, Graham, Guinn, Houston, Jordan, Lea, Moore, Obenchain, Parsons, Scarborough, Shepard, and Weatherford—18.

NAYS—Messrs. Boyd, Branch, Casey, Harcourt, Hartley, Mitchell, Reed, Selman, and Wheeler—9.

Mr. Guinn offered the following substitute for the caption of the bill: "A bill suspending all laws for the collection of debts and liabilities on bonds, promissory notes, bills of exchange and contracts for the payment of money until the 1st day of January, 1864, or until six months after the close of the present war should it terminate before the date named, or until otherwise provided by law." Adopted.

Mr. Finlay offered the following amendment: Insert after the word "law" in 7th section as follows—"seaman or marine nor shall the family of any soldier be affected under the provisions of the law of forcible entry and detainer or landlord and tenant while said soldier, seaman, or marine is in the service of this State or of the Confederate States."

On Mr. Guinn's motion, laid on the table by the following vote:

YEAS—Messrs. Branch, Burnett, Cook, Crawford of Fannin, Crawford of Jasper, Darden, Durant, Guinn, Houston, Jordan, Lea, Moore, Obenchain, Scarborough, Shepard, and Weatherford—16.

NAYS—Messrs. Boyd, Casey, Dickson, Finlay, Graham, Harcourt, Hartley, Mitchell, Parsons, Reed, Selman, and Wheeler—12.

Mr. Dickson offered the following amendment: Insert in 7th line, 7th section, after the words "lapse of time" the following—"or when the property if real estate is liable to be depreciated in value by neglect or improper use or the rents and profits wasted."

On Mr. Shepard's motion the amendment was laid on the table.

Mr. Mitchell offered a substitute for the bill which on Mr. Parsons' motion was laid on the table.

Mr. Harcourt offered the following amendment: "Section 1—that until two years from the final passage of this Act or until six months after the removal of the existing blockade, whichever may first occur, no execution **venditioni exponas** or order of sale founded on any judgment or decree heretofore rendered or that may hereafter be

rendered upon any indebtedness contracted previous to the passage of this Act shall be issued nor shall there be any sale under any execution **venditioni exponas** or order of sale already issued under the judgment creditor, his agent or attorney shall endorse upon the execution **venditioni exponas** or order of sale that he is willing to take Confederate bonds and Treasury notes or State bonds and Treasury warrants in satisfaction and payment of such judgment or decree." On motion of Mr. Parsons laid on the table.

Mr. Selman moved a call of the Senate which was sustained. On motion of Mr. Parsons the call was suspended when Mr. Lea offered a substitute for the bill. On motion of Mr. Guinn the Senate adjourned until 7 o'clock P. M.

7 o'clock P. M.

Senate met. Roll called, quorum present.

A message was received from the House announcing the passage of a substitute for Senate bill legalizing the official acts of certain officers of Newton County.

The question being up on the adoption of Mr. Lea's substitute to the bill suspending all laws for the collection of debts on Mr. Guinn's motion to lay on the table the yeas and nays stood as follows:

YEAS—Messrs. Batte, Burnett, Cook, Crawford of Fannin, Crawford of Jasper, Darden, Durant, Erath, Graham, Guinn, Harcourt, Houston, Jordan, Moore, Obenchain, Parsons, Scarborough, Shepard, and Weatherford—19.

NAYS—Messrs. Boyd, Branch, Casey, Dickson, Finlay, Hartley, Lea, Mitchell, Reed, Selman, and Wheeler—11.

Mr. Guinn moved the previous question upon which the yeas and nays were as follows:

YEAS—Messrs. Batte, Burnett, Casey, Cook[?], Crawford of Fannin, Crawford of Jasper, Darden, Durant, Erath, Guinn, Houston, Jordan, Moore, Parsons, Scarborough, Shepard, and Weatherford—[17]

NAYS—Messrs. Boyd, Branch, Cook[?], Dickson, Finlay, Graham, Harcourt, Hartley, Lea, Mitchell, Reed, Selman, and Wheeler—13.

Mr. Harcourt moved an adjournment which the President decided out of order. Mr. Finlay appealed upon which the yeas and nays were taken as follows:

YEAS—Messrs. Batte, Branch, Burnett, Casey, Cook, Crawford of Fannin, Crawford of Jasper, Darden, Durant, Graham, Guinn, Houston, Jordan, Lea, Moore, Parsons, Scarborough, Shepard, and Weatherford—19.

NAYS—Messrs. Dickson, Erath, Finlay, Hartley, Har-

court, Mitchell, Reed, Selman, and Wheeler—[9]. So the President was sustained.

The yeas and nays were then taken on the main question and the bill ordered to be engrossed by the following vote:

YEAS—Messrs. Batte, Burnett, Cook, Crawford of Fanin, Crawford of Jasper, Darden, Durant, Guinn, Hartley, Houston, Jordan, Moore, Parsons, Scarborough, Shepard, and Weatherford—16.

NAYS—Messrs. Boyd, Branch, Casey, Dickson, Erath, Finlay, Graham, Harcourt, Lea, Mitchell, Reed, Selman, and Wheeler—13.

On motion of Mr. Parsons the Senate adjourned until 10 o'clock A. M. tomorrow.

Tuesday, December 3, 1861.

Senate met pursuant to adjournment. Prayer by the Chaplain. Roll called, quorum present. The journal of yesterday was read and adopted.

Mr. Branch presented the memorial of George W. Paschal in relation to a digest of the laws. Referred to Judiciary Committee.

Mr. Harcourt, Chairman of the Judiciary Committee, made the following report:

The Judiciary Committee have considered a bill to validate and confirm the official acts of J. M. Connelly, Sheriff of Cass County, and direct me to report the same back and recommend that it do not pass.

The object of the bill is to legalize such official acts of the Sheriff of Cass County as were performed by his deputy during the time that the Sheriff was holding a military appointment in the military service of the country. The committee are of opinion that the passage of the act proposed could not give any validity to the acts of the sheriff if they were in fact invalid on account of the Constitutional prohibition against any one person holding two offices. But the acts of the deputy may be sustained without any legislation upon the ground that he was *de facto* the Sheriff of Cass County, and his official acts could not be collaterally impeached.

Also reported a bill to regulate the inspection of flour and recommended its passage with an amendment; and a bill to amend the 10th and 23rd sections of an Act to reduce into one and amend the several Acts concerning executions with amendment as follows recommending its adoption and the passage of the bill: strike out the words "ten per cent per month" and insert "20 per cent on the the principal debt and interest."